

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

United States of America,)	CR. No.: 8:85-cr-00166-GRA
)	
)	ORDER
)	(Written Opinion)
v.)	
)	
Harold J. Smith,)	
)	
Movant.)	
_____)	

This matter is before the Court on Petitioner's request for a transcript of his trial and sentencing hearings, filed on July 11, 2008.

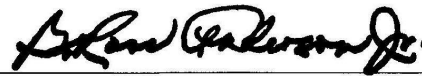
This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Hughes v. Rowe*, 449 U.S. 5, 9-10 (1980), *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1975), *cert. denied*, 439 U.S. 970 (1978). A federal district court is also charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Cruz v. Beto*, 405 U.S. 319 (1972).

If Petitioner wishes to obtain copies of transcripts at the expense of the government, he must properly demonstrate that he is an indigent litigant and show a particularized need for the documents. *See Britt v. North Carolina*, 404 U.S. 226, 228; *Hardy v. United States*, 375 U.S. 277, 282 (1963); *Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152-53 (4th Cir. 1972). "It is settled in this

circuit that 'an indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.'" *Jones*, 460 F.2d at 152 (quoting *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963)). Petitioner has not demonstrated any particularized or substantial need for the transcripts.

IT IS THEREFORE ORDERED that Petitioner's motion for a transcript be DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
September 9 , 2008

NOTICE OF RIGHT TO APPEAL

Petitioner has the right to appeal this Order within ten (10) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.